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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,415	07/10/2001	John Andrew Kastelic	01-APPN-01	8251

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EXAMINER	
SHEPARD, JUSTIN E	
ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/902,415	KASTELIC, JOHN ANDREW	
	Examiner	Art Unit	
	Justin E. Shepard	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-13 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser in view of Katayama.

Referring to claims 1 and 4, Rosser discloses a method of broadcasting activity occurring in a baseball game (figure 1), wherein the activity includes one or more base runners occupying bases in a field where the baseball game is being played (figure 2, part 44), comprising the steps of: (i) providing a video image of activity occurring in the baseball game (column 1, lines 12-13, 17); (ii) creating a graphic overlay for the video image (column 4, lines 8-13), and (iii) combining the graphic overlay and the video image to create a combined image comprising the graphic overlay and the video image (column 4, lines 42-43).

Rosser does not disclose a method where the graphic overlay providing indicia representing identity information of the one or more base runners occupying bases is created; and where the indicia representing identity information of the one or more base runners occupying bases is provided in the form of uniform numbers of the base runners.

Katayama discloses a method where the graphic overlay providing indicia representing identity information of the one or more base runners occupying bases is created; and where the indicia representing identity information of the one or more base runners occupying bases is provided in the form of uniform numbers of the base runners. (page 2, paragraph 51, lines 7-9; figure 7, parts 4, 5 and 11).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the base graphic disclosed in Rosser to include the uniform numbers as taught by Katayama. The motivation for doing this would have been because it would be preferable that the numerals shown in the boxes denoting players to actually conform with the uniform numbers of the actual players (page 2, paragraph 51, lines 3-5).

Referring to claim 2, Rosser discloses a method of claim 1, wherein the step of combining the graphic overlay and the video image comprises the step of overlying the graphic overlay over only a minor portion of the video image (figure 2, part 44; Note: the base graphic alone takes up a minor portion of the screen).

Referring to claim 3, Rosser discloses a method of claim 1, wherein the step of providing a video image comprises providing a real-time image of activity occurring in the baseball game (column 1, lines 12-13).

Referring to claims 5 and 6, Rosser discloses a method of claim 1, wherein: (i) the step of providing a video image of activity occurring in the baseball game comprises generating a video image signal using a (ii) video image source (figure 1, part 12); the step of creating a graphic overlay for the video image comprises the step of generating a video graphic signal using a graphic overlay generator (column 4, lines 8-13); and (iii) the step of combining the graphic overlay and the video image to create a combined image comprising the graphic overlay and the video image comprises the step of mixing the video image signal and the video graphic signal using a mixer (column 4, lines 42-43; figure 1, part 26); and where the combined image is provided in the form of a mixed video signal output by the mixer, the mixed video signal capable of being broadcast to a viewing screen (figure 1, part 29).

Referring to claims 7 and 10, Rosser discloses a system for of broadcasting activity occurring in a baseball game (figure 1), wherein the activity includes one or more base runners occupying bases in a field where the baseball game is being played (figure 2, part 44), comprising: (i) a video image source for providing a video image signal representing activity occurring in the baseball game (column 1, lines 12-13, 17); (ii) a graphic overlay generator for creating a graphic overlay for the video image in the form of a video graphic signal (column 4, lines 8-13), and (iii) a video mixer for combining the graphic overlay and the video image to create a combined image comprising the graphic overlay and the video image (column 4, lines 42-43).

Rosser does not disclose a system where the graphic overlay providing indicia representing identity information of the one or more base runners occupying bases is created; and where the indicia representing identity information of the one or more base runners occupying bases is provided in the form of uniform numbers of the base runners.

Katayama discloses a system where the graphic overlay providing indicia representing identity information of the one or more base runners occupying bases is created; and where the indicia representing identity information of the one or more base runners occupying bases is provided in the form of uniform numbers of the base runners (page 2, paragraph 51, lines 7-9; figure 7, parts 4, 5, and 11).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the base graphic disclosed in Rosser to include the uniform numbers as taught by Katayama. The motivation for doing this would have been because it would be preferable that the numerals shown in the boxes denoting players to actually conform with the uniform numbers of the actual players (page 2, paragraph 51, lines 3-5).

Referring to claim 8, Rosser discloses a system of claim 7, wherein the graphic overlay covers only a minor portion of the video image (figure 2, part 44; Note: the base graphic alone takes up a minor portion of the screen).

Referring to claim 9, Rosser discloses a system of claim 7, wherein the video image signal is a real-time image signal of activity occurring in the baseball game (column 1, lines 12-13).

Referring to claim 11, Rosser discloses a system of claim 7, wherein the combined image is provided in the form of a mixed video signal output by the video mixer (column 4, lines 42-43; figure 1, part 26), the mixed video signal capable of being broadcast to a viewing screen (figure 1, part 29).

Referring to claims 12 and 13, Rosser discloses an improved graphic overlay for a video image of activity occurring in a baseball game (figure 2, part 44).

Rosser does not disclose an improved graphic overlay where the activity includes one or more base runners occupying bases in a field where the baseball game is being played, the improved graphic overlay providing indicia representing identity information of the one or more base runners occupying bases; and where the indicia representing identity information of the one or more base runners occupying bases is provided in the form of uniform numbers of the base runners.

Katayama discloses an improved graphic overlay where the activity includes one or more base runners occupying bases in a field where the baseball game is being played, the improved graphic overlay providing indicia representing identity information of the one or more base runners occupying bases; and where the indicia representing identity information of the one or more base runners occupying bases is provided in the

form of uniform numbers of the base runners (page 2, paragraph 51, lines 7-9; figure 7, parts 4, 5, and 11).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the base graphic disclosed in Rosser to include the uniform numbers as taught by Katayama. The motivation for doing this would have been because it would be preferable that the numerals shown in the boxes denoting players to actually conform with the uniform numbers of the actual players (page 2, paragraph 51, lines 3-5).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 8-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600